

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AMERICAN CIVIL LIBERTIES UNION, et al.	:	CIVIL ACTION
	:	
v.	:	NO. 98-5591
	:	
ALBERTO R. GONZALES in his official capacity	:	
as Attorney General of the United States	:	

**ORDER APPROVING THE FINAL PRETRIAL ORDER**

**AND NOW**, this 12th day of October, 2006, upon consideration of the court's responsibility to review and consider approval of the proposed final pretrial order filed by the parties (Doc. Nos. 319 (the proposed final pretrial order) and 318 & 320 (the exhibits thereto)), it is hereby **ORDERED** that:

1. The parties have adequately preserved their contentions, likely witnesses and other evidence proffers in the proposed final pretrial order;
2. As the parties were advised during the final pretrial conference today, the court reserves the right to rule on the parties' objections at the appropriate time during trial;
3. Having reviewed the record, the pleadings and the positions of the parties regarding the legal issues (see Doc. No. 319, pp. 143-144), the court hereby concludes that the legal issues in this case are as follows:
  - A. Whether each plaintiff will be able to continue to prove it has standing;
  - B. Whether the standard of scrutiny to be applied to COPA is the strict scrutiny standard or the intermediate scrutiny standard;
  - C. How to interpret COPA's statutory language including whether COPA has extraterritorial application;
  - D. Whether COPA is unconstitutional because it deprives

adults of speech to which they are constitutionally entitled;

E. Whether COPA is unconstitutionally overbroad on its face and as applied;

F. Whether COPA is unconstitutionally vague;

G. Whether plaintiffs have a right to communicate and access information anonymously over the web; and

H. Whether COPA violates the First Amendment rights of older minors; and

4. The proposed final pretrial order (Doc. No. 319) is approved subject to the findings and conclusions set forth above.

S/ Lowell A. Reed, Jr.  
LOWELL A. REED, JR., S.J.